

CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date: 11-29-67

D. C. Form No. 106A Rev.

TITLE OF CASE		ATTORNEYS			
<p>TRANSPORT INSURANCE COMPANY, Inc. a foreign corporation</p> <p>VS</p> <p>STONE TRUCKING COMPANY, an Oklahoma Corporation</p> <p>VS</p> <p>Chandler-Frates & Reitz, a Partnership, Third Party Defendant</p>		<p>For plaintiff: Joseph M. Best 308 Wright Building 200 Franklin Bldg. Tulsa, Oklahoma 74103</p> <p>James O. Ellison, Special Master</p> <p>For defendant: L. Edgar Barnes } For Stone 600 Midstates Building } Trucking Tulsa, Oklahoma 74103 } Company 600 Thurston National Bldg.</p> <p>Dyer, Powers, Gotcher, Marsh & Kamins 325 Beacon Building } Tulsa, Oklahoma 74103 } For Chandler- Frank E. Turner } Frates & Reitz</p>			
STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed 11-3-67	Clerk	1967 10-17	Best CD 17	15 00	15 00
J.S. 6 mailed 6-1-69	Marshal				
Basis of Action: Money due on insurance contract	Docket fee				
	Witness fees				
Action arose at: Tulsa, Okla	Depositions				

DATE	PROCEEDINGS	Date Order or Judgment Noted
✓ 10-17-67	Complaint filed and summons issued. ds	
10-31-67	Summons returned and filed: Served Stone Trucking Company by serving Mrs. Van D. Stone, Secy & Treas at her office in Tulsa, Okla., on 10-30-67. (Fee \$4.44) e	
11-16-67	Ordered by the Court that the defendant is granted until November 30, 1967 within which time to answer. (Fred Daugherty - Judge) b	
✓ 11-29-67	Defendant's answer, filed. Jury Demand included in pleading. ds	
11-29-67	Defendant's Third party complaint against Chandler-Frates & Reitz, filed, and summons issued. ds	
12-4-67	Return on service of summons, filed. Served Chandler-Frates & Reitz by serving Mr. G. A. Chandler at Tulsa, Oklahoma, on 11-30-67. (\$3.00) ds	
12-20-67	Stipulation for extension of time to answer, filed by parties. Granted to 30 days from the 19th of December. ds	
1-15-68	Answer to Third Party Complaint, filed. ds	
1-26-68	Defendant and Third Party plaintiff, Stone Trucking Company's reply to third-party answer; and answer to third party cross-complaint, filed. b	
✓ 3-18-68	Depositions of Paul Reitz and Adrian R. McLaughlin, taken on behalf of third party defendant, 2-28-68 before Frank L. Peterson, Np., at Tulsa, Oklahoma, filed. (Fees \$44.80) b	
3-18-68	Deposition of Van Stone, taken on behalf of Stone Trucking Co., on 2-28-68, before Frank L. Peterson, N. P., at Tulsa, Okla. filed. (Fee \$11.20) b	
3-26-68	Ordered by the Court that the plaintiff is permitted to file an amendment to plaintiff's complaint. (Fred Daugherty - Judge) b	
✓ 3-26-68	Plaintiff's amendment to complaint, filed. b	
3-29-68	Ordered by the Court that this case is set for pre-trial on Thursday, April 11, 1968 at 10:50 A. M. (Fred Daugherty - Judge) b	
4-11-68	Pre-trial hearing held. Ordered by the Court that the plaintiff is granted 7 days to amend complaint and third-party defendant 7 days to answer, defendant to notify clerk as to non-jury trial; case is set for jury trial on Tuesday, May 20, 1968 at 9:30 a.m. (Fred Daugherty - Judge) b	
✓ 4-16-68	Amended complaint, filed. w	
4-18-68	Answer of Third-party defendant, Chandler-Frates & Reitz, a partnership to the amended complaint of the plaintiff, filed. b	
✓ 5-15-68	Motion of third-party defendant, Chandler, Frates & Reitz, for expenses for failure to proceed with and take a deposition, filed.	
✓ 5-15-68	Brief of third-party defendant, Chandler, Frates & Reitz, in support of motion for payment of expenses, filed. b	
5-17-68	Ordered by the Court that plaintiff comply with defendant, Chandler-Frates and Reitz/s motion for expenses for failure to proceed with and take a deposition, within 10 days, or if plaintiff desires to contest said motion that it respond with brief to the motion within 10 days from date. (Fred Daugherty - Judge) b	
5-20-68	Ordered by the Court that this case is stricken from the trial assignment of May 21, 1968 by agreement of counsel. (Fred Daugherty - Judge) b	
5-27-68	Return on deposition subpoena, filed. Served James Craig, at Houston, Texas, on 5-9-68. \$4.40) ds	
✓ 5-29-68	Plaintiff's response, to motion motion for expenses for failure to proceed with taking of deposition, filed. b	
✓ 5-29-68	Plaintiff's brief in opposition of motion for payment of expenses, filed. b	
✓ 5-31-68	Exhibits in support of defendant's evidence, filed. ds	
✓ 6-3-68	Reply of 3rd party deft., Chandler-Frates & Reitz, filed. w mailed 4-11	
✓ 6-3-68	Brief in response to motion in opposition for payment of expenses by 3rd party deft., filed. w mailed (Continued on Page 3, Sheet No. 2) 6-11	

DATE	PROCEEDINGS	Date Order or Judgment Noted
6-5-68	Ordered by the Court that the Third-party defendant, within 10 days from date, file a reply with supporting brief and affidavit of the attorney present as to precisely what occurred at the time and place involved with reference to said deposition. (Fred Daugherty - Judge) b	
6-6-68	Exhibits in support of third party defendant's evidence, filed. ds	
7-2-68	Ordered by the Court that Chandler-Frates & Reitz be reimbursed in the sum of \$225.35 within 15 days; that the defendant file an amended answer in 15 days and if not a jury trial no further pre-trial to be held. (Fred Daugherty-Judge) b (LC-CSR)	
7-17-68	Amended Answer & Counterclaim, filed, Deft. Stone Trucking Co. js	
8-16-68	Ordered that this case is set for jury trial on Monday, October 14, 1968, at 9:30 a.m. (FD-J)w	
9-13-68	Waiver of right to trial by jury, filed. w	
9-13-68	Ordered by the Court that parties having waived their right to trial by jury, this case is stricken from the jury trial assignment of 10-14-68. (FD-J)w	
9-20-68	It is ordered by the Court that this case is set for Non-Jury trial November 20, 1968, at 9:30 A.M. (FD-J) ds	
10-17-68	Answer of plaintiff to counterclaim, filed. e	
11-18-68	Ordered that case is stricken from non-jury assignment of 11-20-68. (FD-J)m	
12-11-68	Notice to take deposition, filed by plaintiffs. ds	
1-2-69	Case set for non-jury trial on Mon. 2-10-69 at 9:30 A M (FD-J)h	
1-13-69	Depositions of James E. Baskin and C. F. Chaplin, taken on behalf of plaintiff on 1-9-69, before Maudie Rutledge, NP, filed. g	
1-29-69	Deposition of Caryl F. Chaplin taken on behalf of plaintiff by Maudie Rutledge, Dallas, Texas. ds	
2-10-69	Defendant's brief on Question of Agency filed. h	
2-10-69	Return on subpoena, filed. Served Edith Bowden personally in Tulsa, Okla. on 2-6-69. (Fees: \$2.00)m	
2-10-69	Return on subpoena, filed. Served Darla Hart personally in Tulsa, Okla. on 2-6-69. (Fees: \$4.40)m	
2-10-69	Return on subpoena, filed. Served Chandler-Frates & Reitz, Ins. by serving Mrs. Ernestine Taylor, office mgr. in Tulsa on 2-6-69. (Fees: \$2.00)m	
2-10-69	Case tried to the Court on February 10 and 11, 1969, Ordered by the Court that in order to effect a reference to a Special Master the Court reserves certain questions and does not close the evidence on certain questions; that James O. Ellison is appointed Special Master to hear the questions of amount due plaintiff and amount due Chandler-Frates-Reitz by Stone Trucking; that the parties each deposit \$500.00 into the Registry of Court. (Fred Daugherty - Judg) (LC-CSR) b	
2-10-69	Copy of Exhibits in support of plaintiff's evidence, filed in open court. b	
2-10-69	Third-party defendant's amended cross-complaint, filed in open court.	
2-11-69	Trial exhibits filed in open Court. (Exhibits 2-A to 9-A in exhibit room. b	
2-20-69	Ordered that parties are granted 5 days additional time to deposit \$500.00 each in the Registry of Court account. (FD-J)m	
2-24-69	Partial transcript of proceedings held 2-10-69, filed. (Fees: \$22.40)m	
2-27-69	Stipulation, filed, by the parties. m	
2-28-69	Stipulation of Stone Trucking and Chandler-Frates & Reitz, filed. b	

(Continued on Page No. 4, Sheet No. 2)

DATE	PROCEEDINGS	Date Order or Judgment Noted
3-7-69	Ordered by the Court that the order of February, 11, 1969 referring this case to James O. Ellison as Special Master, be and it is hereby vacated and set aside; and that the Special master file a bill for his work done on the case. (Fred Daugherty - Judge) b	
4-8-69	Application To Withdraw Deposit, filed. js	
4-8-69	Order Authorizing Withdrawal of Deposit, filed (FD-J) js	
4-8-69	Evidentiary hearing held and oral arguments made, James O. Ellison makes no claim for fees as Special Master. Case to be set for further hearing. (Fred Daugherty - Judge) b	
4-17-69	Application to Withdraw deposit of \$500 filed by defendant. h	
4-21-69	Oral arguments made. Defendant Stone's Exhibits Nos. 17 & 18 marked, F/F and C/L dictated. Ordered by the Court that the counsel for plaintiff prepare judgment and submit it to opposing counsel and to the Court. Judgment to be entered on filing of the F/F, C/L and Journal entry. (Fred Daugherty - Judge) b	
5-19-69	Judgment filed and entered, that Transport Insurance Company, have and recover against the third party defendant, Chandler-Frates & Reitz, the sum of \$5,731.14; and that Transport Insurance Company, have and recover against defendant, Stone Trucking Company and third party defendant, Chandler-Frates & Reitz, the sum of \$14,788.87. (Fred Daugherty - Judge) copies mailed to counsel. b	
8-27-69	Order Authorizing Withdrawal of Deposit, filed, (AEB-J). js	
11-20-69	Execution Issued on Stone Trucking Co. js	
11-20-69	Execution Issued on Chandler-Frates & Reitz. js	
1-19-70	Execution, returned & filed: Served Stone Trucking Co. and levied One Crane S#10785 w/306 Crane Carrier, IHC TD24 Tractor S#TDE-4357 and IHC TD18 Tractor S#SBL-182 and appointed V. Stone as custodian, Jan. 5, 1969, at Tulsa, Okla. Served Chandler-Frates & Reitz at Tulsa on 1-5-70, and made demands, returned unsatisfied. (USM \$7.44)	
1-19-70	Execution, returned and filed: Served Stone Trucking Co. on 12-20-69, made demand and returned unsatisfied. Served Chandler, Frates & Reitz on 12-20-70, made demand and returned unsatisfied. (USM \$7.92)g	
1-30-70	Affidavit of Mailing and Posting Notice of Sale of Personal Property taken in Execution filed. h	
3-25-70	Motion to set United States Marshal's fees, filed by 3rd party defendant, Chandler Frates & Reitz. ds	
3-25-70	Brief in support of motion to set United States Marshal's fees filed. ds	
3-30-70	Proof of publication, filed. b	
3-30-70	Marshal's return on execution sale of personal property, with notice of sale of personal property taken in execution attached, filed. b	
4-4-70	Ordered by the Court that the parties respond to the motion of 3rd party defendant Chandler Frates & Reitz/s motion to set U. S. Marshal's fees with brief within 10 days or if concurred in, the responsee should so state. (Fred Daugherty - Judge) b	
4-13-70	Response of govt, filed. m	
4-21-70	Response of Transport Insurance Company to third-party defendant's motion to set marshal's fees, filed. b <i>mailed 4-23</i>	
4-23-70	Response of Stone Trucking Company filed. b <i>mailed 4-23</i>	
4-29-70	Order filed, that a fee of \$90.00 is set and allowed the U.S. Marshal for NDO in connection with the execution issued 1-5-70 and upon payment thereof the attachment of the personal property included within said execution be vacated. (Fred Daugherty-Judge) copies mailed. b	